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DA 06-1494
July 21, 2006

COMMENTS INVITED ON APPLICATION OF AT&T INC. ON BEHALF OF CERTAIN OF ITS AFFILIATES TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 06-143
Comp. Pol. File No. 762

Comments Due: August 21, 2006

Section 214 Application
Applicant: AT&T Inc. on behalf of Illinois Bell Telephone Company, Indiana Bell Telephone Company, Inc., Michigan Bell Telephone Company, The Ohio Bell Telephone Company, Pacific Bell Telephone Company, The Southern New England Telephone Company, Southwestern Bell Telephone, L.P., and Wisconsin Bell, Inc.

On **June 20, 2006, AT&T Inc. (AT&T or Applicant)**, located at **One SBC Plaza, Dallas, Texas 75202**, filed an application with the Federal Communications Commission (FCC or Commission) on behalf of certain of its affiliates, **Illinois Bell Telephone Company, Indiana Bell Telephone Company, Inc., Michigan Bell Telephone Company, The Ohio Bell Telephone Company, Pacific Bell Telephone Company, The Southern New England Telephone Company, Southwestern Bell Telephone, L.P., and Wisconsin Bell, Inc.** (the AT&T Affiliates), requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of a certain tariffed service throughout the geographic areas served by the AT&T Affiliates. By an amendment filed July 14, 2006, AT&T corrected certain deficiencies in its initial application and updated the record regarding notice to customers. Accordingly, AT&T's application is deemed complete as of July 14, 2006.

AT&T indicates that the AT&T Affiliates offer Automatic Protection Switching/Automatic Loop Transfer (APS/ALT) service in Arkansas, California, Connecticut, Illinois, Indiana, Kansas, Michigan, Missouri, Ohio, Oklahoma, Texas and Wisconsin.[1] Specifically, AT&T explains that APS/ALT service protects against failure of the facilities between a customer designated premise and the wire center serving that premise through the use of a switching arrangement that automatically switches to a spare

[1] AT&T states that APS/ALT service is offered pursuant to the terms of the following tariffs: Ameritech Operating Companies Tariff F.C.C. No. 2, Section 7.2.9.B.3.d; Pacific Bell Telephone Company Tariff F.C.C. No. 1, Section 7.2.9.D.1; Southern New England Bell Telephone Company Tariff F.C.C. No. 39, Section 7.16.3; and Southwestern Bell Telephone Company Tariff F.C.C. No. 73, Section 7.3.10.E.1.

channel when a working channel fails. AT&T indicates that it currently does not have any customers that subscribe to its APS/ALT service in Connecticut, and that it wishes to withdraw the service due to a lack of demand in this location. In addition, AT&T asserts that the manufacturer of the necessary provisioning equipment has ceased production of the facilities utilized to provide its APS/ALT service, and that it is no longer practical to add new customers for this service in Arkansas, California, Illinois, Indiana, Kansas, Michigan, Missouri, Ohio, Oklahoma, Texas, and Wisconsin. AT&T asserts that it will make every effort to grandfather customers under existing service arrangements and provide service to these customers for as long as spare equipment is available. However, in the event that spare equipment is not available to repair existing services, AT&T seeks Commission authority to discontinue APS/ALT service as soon as it receives the necessary regulatory approval, but no earlier than the August 16, 2006 date indicated in AT&T's customer notices.

AT&T indicates that it attempted to notify affected customers by "Accessible Letter" via e-mail on May 16, 2006, but that notice to nine of the twenty-three affected customers may not have been included in the AT&T Accessible Letter database, and could not be confirmed. Consequently, AT&T states that out of an abundance of caution it sent duplicate notice to these customers by U.S. Mail on July 13, 2006. AT&T explains that the Accessible Letter (AL) process is used by AT&T's wholesale marketing department to communicate official information to its wholesale customers. AT&T maintains that when wholesale customers sign interconnection agreements with AT&T, they agree that the AL process will be the primary method used by AT&T to provide updates on a variety of subjects including cancellation or retirement of existing products. AT&T therefore asserts that its wholesale customers expect to receive product discontinuance notices via this process, and that this is the most effective and efficient method of communicating with its wholesale customers. AT&T states that Accessible Letters are also posted on AT&T's wholesale Internet tool, "CLEC Online," which can be accessed by AT&T's wholesale customers at any time. AT&T represents that it is a dominant carrier with respect to the service to be discontinued. AT&T asserts, however, that the public convenience and necessity will not be impaired by the proposed discontinuance because AT&T and other carriers offer SONET-based services which offer similar protection switching for special access services as an alternative.

We seek comment on AT&T's proposed discontinuance of service, including the steps it has taken to notify customers, given the particular circumstances in this case and in light of the notification procedures prescribed in section 63.71(a) of the Commission's rules. In accordance with section 63.71(c) of the Commission's rules, AT&T's application will be deemed to be automatically granted on the sixtieth (60th) day after the release date of this public notice, unless the Commission notifies AT&T that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, AT&T may terminate service on **September 19, 2006**. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **August 21, 2006**. Such comments should refer to **WC Docket No. 06-143 and Comp. Pol. File No. 762**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking*

Proceedings, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to http://www.fcc.gov/cgb/ecfs/. Filers should follow the instructions provided on the website for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C327, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding section 214 please visit **http://www.fcc.gov/wcb/cpd/other_adjud**.

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